IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 1ST JANUARY 2007 / 11TH PAUSHA 1928

WP(C).No. 32661 of 2003(L)

PETITIONER:

K.A.JOSEPH, KANIAMPARAMBIL, MATTAKKARA,
PADUVA P.O., KOTTAYAM DISTRICT

BY ADV. SRI.P.M.SEBASTIAN

RESPONDENTS:

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1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES
THIRUVANANTHAPURAM

2. THE JOINT REGISTRAR,
CO-OPERATIVE SOCIETIES - KOTTAYAM.

3. THE ASSISTANT REGISTRAR,
CO-OPERATIVE SOCIETIES (GENERAL), KOTTAYAM

4. THE KOTTAYAM DISTRICT CO-OPERATIVE
BANK LTD., KOTTAYAM, REPRESENTED BY ITS MANAGER,
KOTTAYAM.

5. STATE OF KERALA, REPRESENTED BY ITS
CHIEF SECRETARY, THIRUVANANTHAPURAM

BY ADV. T.R. HARIKUMAR SC, DCB, KTM
GOVERNMENT PLEADER P.K. RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).32661/2003

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1- THE GUIDELINE ORDER ISSUED BY THE 1ST RESPONDENTS DATED 9.5.2003

EXT.P2- THE TRUE COPY OF THE LETTER ISSUED TO THE PETITIONER BY THE 4TH RESPONDENT DATED 15.7.2003

EXT.P3- THE TRUE COPY OF THE PETITION DATED 6.9.2003 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P4- THE TRUE COPY OF THE DEMAND NOTICE ISSUED BY 4TH RESPONDENT DATED 25.6.1997.

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C). 32661/2003

Dated this the 1st day of January, 2007

JUDGMENT

Through Ext.P3 representation dated 6.9.2003, the writ petitioner prays, the second respondent, the Joint Registrar, to permit him to pay the amount due to the fourth respondent, The Kottayam District Co-operative Bank Ltd., as per the calculations made therein. However, the writ petitioner stated in paragraph 9 of Ext.P3 that "if the calculation statement given above is not correct, please issue me a correct calculation statement immediately".

2. In paragraph 10, it is stated that "the petitioner is prepared to pay the amount mentioned above, immediately on the receipt of your order. Necessary orders may be given to the bank for receiving the amount towards the full and final settlement".

3. The learned counsel for the petitioner submits that the entire amount, as per the calculation made by the writ petitioner, had been paid to the fourth respondent, bank. According to the counsel, no further amount is due

to the fourth respondent.

4. The learned counsel however, submits that all the documents, in respect of the property mortgaged with the bank at the time of the realisation of the loan, are with the fourth respondent, bank, and the same are not returned. It is, therefore, submitted that necessary direction may be given to the second respondent to pass appropriate orders including the direction to the fourth respondent to return the documents of the writ petitioner, after closing the loan amount and to inform the writ petitioner if any amount is otherwise due, which shall be fixed after hearing the petitioner.

5. The second respondent, the Joint Registrar, shall hear the writ petitioner and pass appropriate orders on the representation that is pending with him, within three weeks from the date of production of a copy of this judgment before him.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

mrcs